

05/18/2006 15:14 FAX 14122610915

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EXHIBIT 1
-Page 3 of 3RECEIVED
CENTRAL FAX CENTER
MAY 18 2006**FEE TRANSMITTAL**
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1700.00

Approved for use through 07/31/2005, OMB 0651-0032
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE
Under the Trademark Application Act of 1905. An electronic fee is required to be received by a collection of information (raising a fee) to verify the applicant's number.**Complete if Known**

Application Number	09/808,858
Filing Date	03/15/2001
First Named Inventor	Bruce Bryan
Examiner Name	Samuel W. Liu
Art Unit	1853
Attorney Docket No.	LUME 48487

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Note ☐ Other (please identify):☒ Deposit Account Deposit Account Number 5002669 Deposit Account Name: Pietragallo, Book 8

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2553.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)

Small Entity Fee (\$)

Each independent claim over 3 (including Reissues)

Fee (\$)

Small Entity Fee (\$)

Multiple dependent claims

Fee (\$)

Small Entity Fee (\$)

Total Claims Extra Claims Fee (\$)

- 20 or HP = x = Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$)

- 3 or HP = x = Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(g).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

- 100 = / 50 = (round up to a whole number) x = Fee Paid (\$)

4. OTHER FEES

Non-English Specification, \$130 fee (no small entity discount)

Fee Paid (\$)

Other (e.g., late filing surcharge): Issue Fee (\$1400) and Publication Fee (\$300)

\$1700.00

SUBMITTED BY

Signature

Lara A. Nordrup

Registration No.

(Attorney/Agent) 55,502

Telephone 412-363-4962

Name (Print/Type)

Lara A. Nordrup, Esq.

Date July 12, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to the (and by the USPTO to process) an application. Consideration is given to 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

PAGE 20 * RCVD AT 07/20/05 11:50:45 AM [Eastern Daylight Time] * SVR:USPTO-EF-XRF-27 * DNIS:7454000 * CSID:14122610915 * DURATION (mm-ss):01:47

PAGE 6/24 * RCVD AT 5/18/2006 3:12:49 PM [Eastern Daylight Time] * SVR:USPTO-EF-XRF-2/14 * DNIS:2738300 * CSID:14122610915 * DURATION (mm-ss):07:42

RECEIVED
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MAY 18 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/808,898 Confirmation No. 4894
Applicant : Bruce Bryan
Filed : March 15, 2001
Title : RENILLA RENIFORMIS FLUORESCENT PROTEINS,
NUCLEIC ACIDS ENCODING THE FLUORESCENT
PROTEINS AND THE USE THEREOF IN DIAGNOSTICS,
HIGH THROUGHPUT SCREENING AND NOVELTY
ITEMS
TC/A.U. : 1653
Examiner : Samuel W. Liu
Docket No. : LUME 48487
Customer No. : 29694

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR § 1.137(b)

VIA FACSIMILE – (571) 273-8300

May 18, 2006

Mail Stop – PETITION
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition for withdrawal of the holding of abandonment of this application. The Notice of Abandonment mailed March 20, 2006 states that Applicants failed to timely pay the issue fee and publication fee for this case. Specifically, the Notice states that the issue fee and publication fee were not received by the U.S. Patent and Trademark Office, but did not indicate the deposit account contained an insufficient balance at the time of processing the request.

Attached hereto as Exhibit 1 is the fax confirmation sheet from the U.S. Patent and Trademark Office and Fee Transmittal Sheet showing that Applicants submitted the Issue Fee transmittal along with the authorization for the USPTO to charge the \$1,400.00 issue fee and the \$300.00 publication fee required by 37 C.F.R. § 1.18 to the U.S. Patent and Trademark Office on July 12, 2005. Exhibit 2 is a copy of a Request for Status submitted January 13, 2006. Exhibit 3 is the Notice of Abandonment mailed March 20, 2006. Exhibit 4 is a Petition submitted March 27, 2006 Under 37 C.F.R. § 1.181 requesting Withdrawal of

Holding Abandonment and resubmitting the Fee Transmittal Sheet originally submitted July 12, 2005. The Petition was submitted to the Office of Petitions at the direction of Kim Diep. On May 11, 2006 Applicants' representative contacted the Petitions Office regarding status of the Petition. Applicants' representative spoke with Ms. Lewis who informed Applicants' representative that the reason for the abandonment of application was insufficient funds in the Deposit Account. Ms. Lewis forwarded Applicants' representative to Mr. Thomas E. Hawkins indicated a Dismissal of the Petition would be mailed and that Applicants' representative could file the present Petition for Revival for Unintentional Abandonment pursuant to 37 C.F.R. § 1.137(b) once the Dismissal was received. Exhibit 5 is a copy of the Dismissal of the Petition received May 15, 2006.

Applicant's failure to timely pay the issue fee was unintentional because Applicant was not aware that there were insufficient funds in the Deposit Account.

Accompanying this Petition is PTO/SB/64 authorizing the issue fee (\$1,400.00), publication fee (\$300.00) and the Petition Fee (\$1,500.00) to be charge to Deposit Account No. 500859. A new Part B-Fee(s) Transmittal Sheet (PTOL-85) is also included.

Withdrawal of the Notice of Abandonment and issuance of the patent are respectfully requested.

Respectfully submitted,



Lara A. Northrop
Registration No. 55,502
Pietragallo, Bosick & Gordon LLP
One Oxford Centre, 38th Floor
301 Grant Street
Pittsburgh, PA 15219
Attorney for Applicants

(412) 263-4362

PIETRAGALLO, BOSICK & GORDON LLP
Attorneys at Law
301 Grant Street
One Oxford Centre, 38th Floor
Pittsburgh, PA 15219-6404
Telephone Number: (412) 263-2000
Direct Fax: (412) 261-0915

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MAY 18 2006

FACSIMILE TRANSMISSION COVER PAGE

DATE: May 18, 2006
RECIPIENT: Mail Stop – PETITION
COMPANY: U.S. Patent and Trademark Office
RECIPIENT'S FAX NO.: (571) 273-8300
FROM: Lara A. Northrop
FILE NUMBER: LUME 48487 (LUME-128)
NUMBER OF PAGES
(including cover page): 24

MESSAGE: RE: USSN 09/808,898; Filed March 15, 2001
Petition for Revival of an Application For Patent Abandoned
Unintentionally Under 37 CFR § 1.137(b), Exhibits 1-5,
PTO/SB/64, PTOL-85

SENT BY: S. Cranmer-Jervis **TELEPHONE NUMBER:** 412-263-2000 ext. 1253

CONFIRMATION COPY:

☐ **VIA U.S. MAIL** ☐ **VIA INTERNATIONAL FEDERAL EXPRESS**
☐ **VIA AIR MAIL** ☒ **NONE**

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THE MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS, VIA THE U.S. POSTAL SERVICE. THANK YOU.

995006

Auto-reply fax to 14122610915 COMPANY:

EXHIBIT 1

-Page 1 of 3

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 14122610915

Fax Information

Date Received:

7/12/2005 11:50:46 AM [Eastern Daylight Time]

Total Pages:

3 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

=====>

07/12/2005 11:55 FAX 14122610915		TRANSMITTED VIA FACSIMILE TO 703-746-6000		4004	
<p>TRANSMITTAL FORM</p> <p>Under the provisions of 37 CFR 1.8(a) and (b), the information provided in this form is required to be submitted to the United States Patent and Trademark Office (USPTO) in connection with the filing of a trademark application. The information provided in this form is required to be submitted to the USPTO in connection with the filing of a trademark application.</p>					
<p>Application Number: 07/12/2005</p> <p>Filing Date: 07/12/2005</p> <p>First Named Inventor: Bruce Boyer</p> <p>Att. Name: TESS</p> <p>Correspondence Address: 2000 W. 1st</p> <p>Attorney Contact Number: 14122610915</p>		<p>Approved for use (37 CFR 1.8(a) and (b))</p> <p>U.S. Patent and Trademark Office (USPTO) (See 37 CFR 1.8(a) and (b))</p> <p>Application Number: 07/12/2005</p> <p>Filing Date: 07/12/2005</p> <p>First Named Inventor: Bruce Boyer</p> <p>Att. Name: TESS</p> <p>Correspondence Address: 2000 W. 1st</p> <p>Attorney Contact Number: 14122610915</p>			
<p>ENCLOSURES (Check all that apply)</p> <p><input checked="" type="checkbox"/> Fee Transmittal Form</p> <p><input type="checkbox"/> Fee Accepted</p> <p><input type="checkbox"/> Amendment/Reply</p> <p><input type="checkbox"/> Alter Final</p> <p><input type="checkbox"/> Amendment/Correction</p> <p><input type="checkbox"/> Extension of Time Request</p> <p><input type="checkbox"/> Service Abandonment Request</p> <p><input type="checkbox"/> Information Disclosure Statement</p> <p><input type="checkbox"/> Certified Copy of Primary Document(s)</p> <p><input type="checkbox"/> Reply to Office Action/Incomplete Application</p> <p><input type="checkbox"/> Reply to Interview Form under 37 CFR 1.52 or 1.53</p> <p><input type="checkbox"/> Drawing(s)</p> <p><input type="checkbox"/> Licensing-related Papers</p> <p><input type="checkbox"/> Petition to Convert to a Provisional Application</p> <p><input type="checkbox"/> Petition to Amend, Rehearsal, or Change of Correspondence Address</p> <p><input type="checkbox"/> Trademark Declaration</p> <p><input type="checkbox"/> Request for Rebrand</p> <p><input type="checkbox"/> CD, Number of CDs</p> <p><input type="checkbox"/> Licensing Table on CD</p> <p><input type="checkbox"/> Other Enclosure(s) (Please identify below):</p> <p><input type="checkbox"/> Fee Transmittal Form (PTO Form 7-1) - Fee(s) Transmitted</p>					
<p>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</p> <p>Print Name: Phungella, Bruce A. Director</p> <p>Signature: <i>[Signature]</i></p> <p>Typed name: Bruce A. Phungella, Esq.</p> <p>Date: July 12, 2005</p> <p>Fax No: 14122610915</p>					
<p>CERTIFICATE OF TRANSMISSION/MAILING</p> <p>I hereby certify that this correspondence is being delivered to the USPTO or its agent with the United States Postal Service with sufficient postage as first class mail to the addressee or by Certified Mail for Registered P.O. Box 1000, Alexandria, VA 22314-1000 on the date shown below.</p> <p>Signature: <i>[Signature]</i></p> <p>Typed or printed name: Matthew E. Loeferle</p> <p>Date: July 12, 2005</p>					
<p><small>This certificate of transmission is required by 37 CFR 1.8. The information is required to be submitted to the USPTO in connection with the filing of a trademark application. The information provided in this form is required to be submitted to the USPTO in connection with the filing of a trademark application. The information provided in this form is required to be submitted to the USPTO in connection with the filing of a trademark application.</small></p> <p><small>If you need assistance in completing this form, call 1-800-PTO-5118 and select option 2.</small></p>					
<p>PAGE 15 * RCVD AT 7/12/2005 11:54:16 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-20 * DNIS:2738300 * CSID:14122610915 * DURATION (mm:ss):07:42</p>					

001

 *** TX REPORT ***

EXHIBIT 2
Page 1 of 3

TRANSMISSION OK

TX/RX NO 1058
 CONNECTION TEL 1 571 273 2885
 SUBADDRESS
 CONNECTION ID USPTO ISSUE FEE
 ST. TIME 01/13 13:45
 USAGE T 00'37
 PGS. SENT 2
 RESULT OK

SENT VIA FACSIMILE TO (571) 273-2885

PTO/SB/21 (09-04)
 Approved for use through 07/31/2006. OMS 0651-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM	Application Number	09/08,698	
	Filing Date	03/15/2001	
	First Named Inventor	Bruce Bryan	
	Art Unit	1653	
	Examiner Name	Samuel W. Liu	
Total Number of Pages in This Submission		2	
		Attorney Docket Number	LUME-48487

(to be used for all correspondence after initial filing)

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.62 or 1.63	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Pietragallo, Bosick & Gordon LLP	
Signature		
Printed name	Lara A. Northrop, Esq.	
Date	January 13, 2006	Reg. No. 55,502

SENT VIA FACSIMILE TO (571) 73-2885

EXHIBIT 2

PTC/5B/21 (89-04)

Page 2 of 3

Approved for use through 07/31/2006. U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/609,999
	Filing Date	03/15/2001
	First Named Inventor	Bruce Bryan
	Art Unit	1853
	Examiner Name	Samuel W. Liu
	Attorney Docket Number	LUME-48487
Total Number of Pages in This Submission		2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Pietragallo, Bosick & Gordon LLP		
Signature			
Printed name	Lara A. Northrop, Esq.		
Date	January 13, 2006	Reg. No.	65,502

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Christine J. Graf	Date	January 13, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT 2

Page 3 of 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/808,898
Applicant : Bruce Bryan
Filed : 03/15/2001
Title: : Renilla Reniformis Fluorescent Proteins, Nucleic Acids Encoding
the Fluorescent Proteins and the Use Thereof in Diagnostics, High
Throughput Screening and Novelty Items
TC/A.U. : 1653
Examiner : Samuel W. Liu
Confirmation No. : 4894
Docket No. : LUME-48487

REQUEST FOR STATUS

January 12, 2006

Facsimile No. 571 - 273-2885

Commissioner for Patents

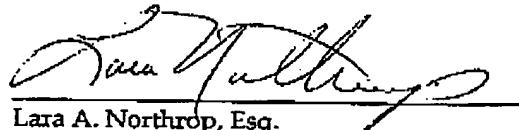
P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The captioned patent application was allowed on April 12, 2005. We paid the Issue Fee and Publication Fee on July 12, 2005. Since then, Applicant has not received an Issue Notification. Applicant respectfully requests a communication from the Patent and Trademark Office concerning the status of this allowed application.

Respectfully submitted,



Lara A. Northrop, Esq.

Attorney for Applicant(s)

Registration No. 55,502

Pietragallo, Bosick & Gordon LLP

One Oxford Centre, 38th Floor

301 Grant Street

Pittsburgh, PA 15219

Telephone No.: (412) 263-4362

Facsimile No.: (412) 261-0915

927558



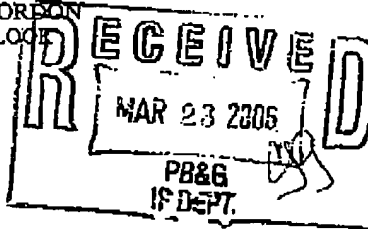
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1439
Alexandria, Virginia 22313-1439
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,898	03/15/2001	Bruce Bryan	LUME 48487	4894

29694 7590 03/20/2006

PIETRAGALLO, BOSICK & GORDON
ONE OXFORD CENTRE, 38TH FLOOR
301 GRANT STREET
PITTSBURGH, PA 15219-6404



EXAMINER

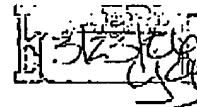
LIU, SAMUEL W

ART UNIT

PAPER NUMBER

1633

DATE MAILED: 03/20/2006



RESP. to
ABANDONMENT DEC.
MAY 20

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT 3

-Page 2 of 3

Notice of Abandonment

Application No.

09/808,898

Applicant(s)

BRYAN

Examiner

Art Unit

LIU

1853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☒ The submitted fee of \$0 is insufficient. A balance of \$1700 is due.
The issue fee required by 37 CFR 1.18 is \$1400. The publication fee, if required by 37 CFR 1.18(d), is \$300.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

lgd

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 0

EXHIBIT 3

Page 3 of 3

Attachment to Notice of Abandonment

**For questions concerning the notice contact
Office of Patent Publication
Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:**1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and re-mail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

Auto-reply fax to 14122610915 COMPANY:

EXHIBIT 4

Page 1 of 7

Auto-Reply Facsimile Transmission



TO: Fax Sender at 14122610915

Fax Information

Date Received:

3/27/2006 11:57:25 AM [Eastern Standard Time]

Total Pages:

6 (including cover page)

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Received
Cover
Page
=====

03/27/2006 11:55 FAX 14122610915

PROTRAGALLO, BOSCH & GORDON LLC
Attorneys at Law
301 Green Street
One Oxford Centre, 38th Floor
Pittsburgh, PA 15219-6404
Telephone Number: (412) 263-2500
Direct Fax: (412) 261-0915

FACSIMILE TRANSMISSION COVER PAGE

DATE: March 27, 2006

RECIPIENT: Lexis Nexis
COMPANY: U.S. Patent and Trademark Office

RECIPIENT'S FAX NO.: (571) 273-8300

FROM: Lexis A. Northrop, LLC

FILE NUMBER: LUME 43457 (112-A)

NUMBER OF PAGES (including cover page): 6

MESSAGE RE: USPN 09/806,896; Filed March 15, 2001
Petition (2 pgs); Copy of USPTO Fax Confirmation Sheet (1 pg)
Copy of Trademark Sheet (1 pg); Copy of Fee Sheet (1 pg)

SENT BY: S. Cammer-Jervis TELEPHONE NUMBER: 412-263-2530 ext. 1233

CONFIRMATION COPY:

☐ VIA U.S. MAIL ☐ VIA INTERNATIONAL FEDERAL EXPRESS
☐ VIA AIR MAIL ☒ NONE

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS UNCLASSIFIED, CONFIDENTIAL, AND EXEMPT FROM PUBLIC RELEASE UNDER APPLICABLE LAW. IF THE RECIPIENT OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPIES OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS, VIA THE U.S. POSTAL SERVICE. THANK YOU.

664178

PAGE 14 * RCVD AT 3/27/2006 11:57:25 AM [Eastern Standard Time] * SVR:USPTO-EFXXF-4/1 * DNIS:2738300 * CSID:14122610915 * DURATION (mm-ss):07-42

EXHIBIT 4

-Page 2 of 7

PIETRAGALLO, BOSICK & GORDON LLP

Attorneys at Law
301 Grant Street
One Oxford Centre, 38th Floor
Pittsburgh, PA 15219-6404
Telephone Number: (412) 263-2000
Direct Fax: (412) 261-0915

FACSIMILE TRANSMISSION COVER PAGE

DATE: March 27, 2006

RECIPIENT: Issue Fee

COMPANY: U.S. Patent and Trademark Office

RECIPIENT'S FAX NO.: (571) 273-8300

FROM: Lara A. Northrop LAN

FILE NUMBER: LUME 48487 (128-A)

NUMBER OF PAGES
(including cover page): 6

MESSAGE: RE: USSN 09/808,898; Filed March 15, 2001
Petition (2 pgs); Copy of USPTO Fax Confirmation Sheet (1pg)
Copy of Transmittal Sheet (1 pg); Copy of Fee Sheet (1 pg)

SENT BY: S. Cranmer-Jervis TELEPHONE NUMBER: 412-263-2000 ext. 1253

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964178

EXHIBIT 4
-Page 3 of 7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/808,898 Confirmation No. 4894
Applicant : Bruce Bryan
Filed : March 15, 2001
Title : RENILLA RENIFORMIS FLUORESCENT PROTEINS,
NUCLEIC ACIDS ENCODING THE FLUORESCENT
PROTEINS AND THE USE THEREOF IN DIAGNOSTICS,
HIGH THROUGHPUT SCREENING AND NOVELTY
ITEMS
TC/A.U. : 1653
Examiner : Samuel W. Liu
Docket No. : LUME 48487
Customer No. : 29694

**PETITION UNDER 37 CFR 1.181 REQUESTING
WITHDRAWAL OF HOLDING OF ABANDONMENT****VIA FACSIMILE -- (571) 273-8300**

Mail Stop -- Issue Fee
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

March 27, 2006

Sir:

Applicants hereby petition for withdrawal of the holding of abandonment of this application. The Notice of Abandonment mailed March 20, 2006 states that Applicants failed to timely pay the issue fee and publication fee for this case. Specifically, the Notice states that the issue fee and publication fee were not received by the U.S. Patent and Trademark Office.

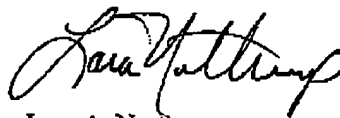
Attached hereto as Exhibit 1 is the fax confirmation sheet from the U.S. Patent and Trademark Office showing that Applicants submitted the issue fee to the U.S. Patent and Trademark Office on July 12, 2005. Attached as Exhibit 2 is a copy of the Fee Transmittal Sheet submitted July 12, 2005 evidencing that the \$1,400.00 issue fee and the \$300.00 publication fee required by 37 C.F.R. 1.18 was authorized to be withdrawn from the Applicant's Deposit Account.

EXHIBIT 4

Page 4 of 7

Withdrawal of the Notice of Abandonment and issuance of the patent are respectfully requested.

Respectfully submitted,



Lara A. Northrop
Registration No. 55,502
Pietragallo, Bosick & Gordon LLP
One Oxford Centre, 38th Floor
301 Grant Street
Pittsburgh, PA 15219
Attorney for Applicants

(412) 263-4362

COMPANY :

-Page 5 of 7

Auto-Reply Facsimile Transmission



Fax Sender at 14122610915

Date Received:

7/12/2005 11:50:46 AM [Eastern Daylight Time]
3 (including cover page)

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SECRET

[illegible]

TRANSMITTED VIA FACSIMILE TO 571-273-6500

PTO/SB/21 (09-04)

A. ved for use through 07/31/2006

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

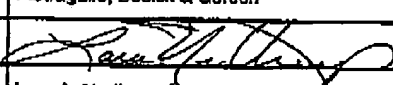
Total Number of Pages in This Submission 3

Application Number	09/808,898
Filing Date	03/15/2001
First Named Inventor	Bruce Bryan
Art Unit	1653
Examiner Name	Samuel W. Liu
Attorney Docket Number	LUME 48487

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Fee Transmittal (Form PTO/SB/17) - Part B - Fee(s) Transmittal
Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Pletragallo, Bosick & Gordon		
Signature			
Printed name	Lara A. Northrop, Esq.		
Date	July 12, 2005	Reg. No.	55,502

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Marlene E. Lacanic</i>
Typed or printed name	Marlene E. Lacanic

Date	July 12, 2005
------	---------------

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17 (12-04v2)

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Approved by USA, Jgh 07/31/2006, OMB 0651-0032

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Page 4 of 7

Effective on 12/08/2004,
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL
For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1700.00

Complete if Known

Application Number	09/808,898
Filing Date	09/15/2001
First Named Inventor	Bruce Bryan
Examiner Name	Samuel W. Liu
Art Unit	1653
Attorney Docket No.	LUME 48487

METHOD OF PAYMENT (check all that apply)

- ☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
- ☒ Deposit Account Deposit Account Number: 500859 Deposit Account Name: Pietragallo, Bosick &...
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims		
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims		
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		
Multiple Dependent Claims		
Fee (\$)		
Fees Paid (\$)		

3. APPLICATION SIZE FEE


If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fees Paid (\$)
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)	Fees Paid (\$)
Other (e.g., late filing surcharge): Issue Fee (\$1400) and Publication Fee (\$300)	\$1700.00

SUBMITTED BY

Signature 	Registration No. (Attorney/Agent) 55,502	Telephone 412-263-4362
Name (Print/Type) Lara A. Northrop, Esq.	Date July 12, 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

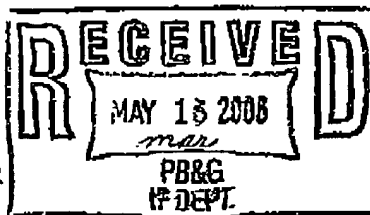


EXHIBIT 5
FILE ON CP Page 1 of 2

UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE

PIETRAGALLO, BOSICK & GORDON
ONE OXFORD CENTRE, 38TH FLOOR
301 GRANT STREET
PITTSBURGH, PA 15219-6404



COPY MAILED

MAY 12 2006

Director's Office
Office of Patent Publication

In re Application of
BRYAN, BRUCE, et al. ✓
Application No. 09/808,898 ✓
Filed: March 15, 2001 ✓
Attorney Docket No. LUME 48487 ✓

DECISION ON PETITION

Date: July 12

This is a decision on the Petition Under 37 CFR 1.181 Requesting Withdrawal Of Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on March 27, 2006.

The petition is **DISMISSED**. Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO MONTHS (2) from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due, mailed May 4, 2005. The Notice of Abandonment mailed March 20, 2006, indicates that the submitted fee of \$0 is insufficient. A balance of \$1,700 is due.

The Office acknowledges receipt of Part B - Fee(s) Transmittal on July 12, 2005, authorizing that the Issue Fee be charged to Deposit Account No. 50-0859. Unfortunately, on July 12, 2005, when an attempt was made by the Office of Finance to charge the fees, there was an insufficient fund in the Deposit Account.

37 CFR 1.25 (a) and (b), which states in part:

1.25(a) ...An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted."

1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

Application No. 09/808,898

Page 2

EXHIBIT 5

Page 2 of 2

In light of the non-compliance with 37 CFR 1.25, the holding of abandonment cannot be withdrawn.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

- Under 37 CFR 1.137(a), a petition for the revival of an *unavoidable* abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an *unintentionally* abandoned application

Further inquiries with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail:

Mail Stop Petitions
Commissioner for Patents
Office of Petitions
P O Box 1450
Alexandria, VA 22313-1450

Telephone inquiries concerning this decision matter may be directed to the undersigned at 703 308-9250 Ext. 137.



Thomas E. Hawkins
Paralegal Specialist
Office of the Director
Office of Patent Publications

PTO/SB/64 (10-05)
Approved for use through 07/31/2008, OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) LUME 48487
--	--	---

First named inventor: Bruce Bryan

Application No.: 09/808,898 Art Unit: 1653

Filed: 03/15/2001 Examiner: Samuel W. Liu

Title: RENILLA RENIFORMIS FLUORESCENT PROTEINS, NUCLEIC ACIDS ENCODING THE FLUORESCENT PROTEINS AND THE USE THEREOF IN DIAGNOSTICS, HIGH THROUGHPUT SCREENING AND NOVELTY ITEMS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Petition For Revival Of An Application For Patent Abandoned (identify type of reply):

Unintentionally Under 37 C.F.R. § 1.137(b)

☐ has been filed previously on _____

☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 1,700.00

☐ has been paid previously on _____

☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

992205

PTO/SB/64 (10-05)

Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


 Signature

May 18, 2006

Date

Lara A. Northrop

Typed or printed name

55,502

Registration Number, if applicable

One Oxford Centre, 38th Floor - 301 Grant Street

Address

412-263-4362

Telephone Number

Pittsburgh, PA 15219

Address

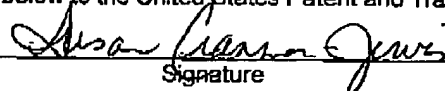
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May 18, 2006

Date


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PART B - FEE(S) TRANSMITTAL

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Pietragallo, Bosick & Gordon LLP
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Christine J. Graff (Depositor's name)
[Signature] (Signature)
May 18, 2006 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,898	03/15/2001	Bruce Bryan	LUME 48487	4894

TITLE OF INVENTION: **RENILLA RENIFORMIS FLUORESCENT PROTEINS, NUCLEIC ACIDS ENCODING THE FLUORESCENT PROTEINS AND THE USE THEREOF IN DIAGNOSTICS. HIGH THROUGHPUT SCREENING AND NOVELTY ITEMS**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
NONPROVISIONAL	NO	\$1,400	\$300	\$1,700	07/12/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
LIU, SAMUEL W.	1663	435-008000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.303).

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1. Lara A. Northrop, Esq.

2. Alan G. Towner, Esq.

3. Pietragallo, Bosick & Gordon LLP

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

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(A) NAME OF ASSIGNEE

Prolume, Ltd.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Pinetop, Arizona

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

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- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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Authorized Signature

[Signature]
Typed or printed name Lara A. Northrop, Esq.

Date May 18, 2006

Registration No. 55,502

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PART B - FEE(S) TRANSMITTAL

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EXHIBIT 1
-Page 2 of 3

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Melanie E. Lescaric (Depositor's name)
Melanie E. Lescaric (Signature)
 July 12, 2005 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/08/888	03/15/2001	Bruce Bryan	LIBRE 48487	4884

TITLE OF INVENTION: RENILLA RENIFORMIS FLUORESCENT PROTEINS, NUCLEIC ACIDS ENCODING THE FLUORESCENT PROTEINS AND THE USE THEREOF IN DIAGNOSTICS, HIGH THROUGHPUT SCREENING AND NOVELTY ITEMS

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEES DUE	DATE DUE
NONPROVISIONAL	NO	\$1400	\$300	\$1700	07/12/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
LIO, SAMUEL W.	1683	435-008000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.333).

☐ Change of correspondence address (or Change of Correspondence Address from PTO/USPTO) attached.
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1. Alan G. Yeoman, Esq.

2. Lara A. Northing, Esq.

3. Phragalia, Bosick & Gordon

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

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(A) NAME OF ASSIGNEE

BRUCE J. BRYAN
 PROLOME, LTD.

(B) RESIDENCE (CITY and STATE OR COUNTRY)

BEVERLY HILLS, CALIFORNIA
 PINETOP, ARIZONA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

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5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

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Authorized Signature

Date July 12, 2005

Typed or printed name Lara A. Northing, Esq.

Registration No. 25,502

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PAGE 5/24 * RCVD AT 5/18/2006 3:12:49 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-2/14 * DNIS:2738300 * CSID:14122610915 * DURATION (mm:ss):07:42

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